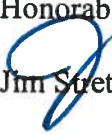


*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



January 21, 2014

TO: Honorable Mayor and City Council  
FROM:  Jim Stretch, City Manager  
SUBJECT: Release of Retention to SJL Construction for Davis Street and Wildwood Avenue Safe Route to Schools Project (\$6,546.15)

AS THERE ARE NO CLAIMS OR LIENS FILED WITH THE CITY FROM THE SAFE ROUTE TO SCHOOLS PROJECT, IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the release of the retention held for the Davis & Wildwood Safe Route to Schools Project in the amount of \$6,546.15 to contractor SJL Construction

BACKGROUND AND DISCUSSION

On July 23, 2013 the City Council awarded a construction contract to SJL Construction in the amount of \$127,584 for the Wildwood Avenue and Davis Street Safe Route to Schools Project. Work began on August 7, 2013. The project is now complete, with Notice of Completion recorded by the City on December 9, 2013.

The required 35 days have passed since the Notice was filed and no claims or liens have been filed with the City from the project. Accordingly, the 5% retention under the agreement can be released to the contractor in the amount of \$6,546.15.

The request for the retention release has been reviewed and recommended by the City Engineer.



## Memorandum

December 12, 2013

To: Jim Stretch, City Manager

Cc:

From: Merritt Perry, Construction Manager

Tel: 707-443-8326

Subject: Davis and Wildwood SR2S Project Pay Request No. 3 – Release of Retention Job no.: 8410114

Construction of the Davis and Wildwood SR2S Project began August 7<sup>th</sup> and all project work was completed in October 31<sup>st</sup>. The lighted Pedestrian Warning System was activated on Wildwood Avenue was activated and functioning on December 3<sup>rd</sup>.

The City recorded the Notice of Completion on December 9, 2013. **Provided that there are no claims or liens filed with the City on or before January 13, 2014, the City can release retention on that date.** The retention withheld on the project to date is \$6,546.15. A copy of our calculation of the amount due is included on the attached sheet.

Please don't hesitate to contact me if you have any questions regarding the project progress or this pay request.

### ATTACHMENTS:

City Engineers Calculation for Pay Request #3 – Release of Retention

City of Rio Dell  
2013 Davis and Wildwood SR2S  
Contractor: SJL Construction, Inc.  
Progress Pay Request #3 - Release of Retention

## CONTRACT ITEMS

Item No.	Description	Contract Quantity	Unit	Unit Price	Contract Amount	Quantity Complete To Date	Amount Complete To Date	Amount Previously Certified for Payment	Amount Currently Due
1	Mobilization/Demobilization	1	LS	\$2,000	\$2,000.00	1.00	\$2,000.00	\$1,000.00	\$1,000.00
2	Stationary Mounted Construction Area Signs	8	EA	\$200	\$1,600.00	8.00	\$1,600.00	\$1,600.00	\$0.00
3	Temporary Traffic Control	1	LS	\$3,000	\$3,000.00	1.00	\$3,000.00	\$1,500.00	\$1,500.00
4	Construction Staking	1	LS	\$1,000	\$1,000.00	1.00	\$1,000.00	\$1,000.00	\$0.00
5	Contractors Material Testing & Quality Control	1	LS	\$3,500	\$3,500.00	1.00	\$3,500.00	\$3,500.00	\$0.00
6	Water Pollution Control	1	LS	\$800	\$800.00	1.00	\$800.00	\$800.00	\$0.00
7	Clearing and Grubbing	1	LS	\$4,000	\$4,000.00	1.00	\$4,000.00	\$4,000.00	\$0.00
8	Demolition of Existing Facilities	1	LS	\$6,000	\$6,000.00	1.00	\$6,000.00	\$6,000.00	\$0.00
9	Remove Existing Pavement Striping & Markings	1	LS	\$1,200	\$1,200.00	1.00	\$1,200.00	\$900.00	\$300.00
10	Class II Aggregate Base	100	CY	\$53.50	\$5,350.00	100.00	\$5,350.00	\$5,350.00	\$0.00
11	Minor Concrete (Curb)	66	LF	\$35	\$2,310.00	66.00	\$2,310.00	\$2,310.00	\$0.00
12	Minor Concrete (Curb and Gutter)	175	LF	\$55	\$9,625.00	207.00	\$11,385.00	\$11,385.00	\$0.00
13	Minor Concrete (Driveway)	288	SF	\$12	\$3,456.00	330.00	\$3,960.00	\$3,960.00	\$0.00
14	Minor Concrete (Sidewalk)	934	SF	\$11	\$10,274.00	934.00	\$10,274.00	\$10,274.00	\$0.00
15	Minor Concrete (Curb Ramp)	110	SF	\$8	\$880.00	110.00	\$880.00	\$880.00	\$0.00
16	Detectable Warning Surface (Truncated Domes)	89	SF	\$25	\$2,225.00	80.00	\$2,000.00	\$2,000.00	\$0.00
17	Thermoplastic Pavement Markings	366	SF	\$4	\$1,464.00	366.00	\$1,464.00	\$0.00	\$1,464.00
18	Roadside Sign(s), 1-Post	3	EA	\$600	\$1,800.00	3.00	\$1,800.00	\$600.00	\$1,200.00
19	Reset Roadside Sign(s), 1 Post	2	EA	\$300	\$600.00	3.00	\$900.00	\$900.00	\$0.00
20	Pedestrian Warning Systems	1	LS	\$66,000	\$66,000.00	1.00	\$66,000.00	\$33,000.00	\$33,000.00
21	Adjust Existing Water Meter to Finish Grade	1	EA	\$500	\$500.00	3.00	\$1,500.00	\$1,500.00	\$0.00
CONTRACT TOTALS					\$127,584.00	-----	\$130,923.00	\$92,459.00	\$38,464.00

## EXTRA WORK

Item No.	Description	Contract Quantity	Unit	Unit Price	Contract Amount	Quantity Complete To Date	Amount Complete To Date	Amount Previously Certified for Payment	Amount Currently Due
N/A	N/A	1	LS	\$0.00	\$0.00	0.00	\$0.00	\$0.00	\$0.00
EXTRA WORK SUBTOTAL					\$0.00	-----	\$0.00	\$0.00	\$0.00
CONTRACT AND EXTRA WORK TOTAL					\$127,584.00	-----	\$130,923.00	\$92,459.00	\$38,464.00
Total Earned To Date									\$130,923.00
Total Retention To Date (5%)									\$0.00
Previous Payments									\$124,376.85
AMOUNT DUE									\$6,546.15

Recommended by:

*M. Perry*  
Meritt Perry, Construction Manager

12/12/2013  
Date

**675 Wildwood Avenue  
Rio Dell, CA 95562**



TO: Mayor and Members of the City Council  
THROUGH: Jim Stretch, City Manager  
FROM: Karen Dunham, City Clerk  
DATE: January 7, 2014  
SUBJECT: Re-appointment of two (2) Members on the Rio Dell Planning Commission

#### **RECOMMENDATION**

1) Approve the re-appointment of Alice Millington and Gary Chapman to the Rio Dell Planning Commission for three (3) year terms ending December 31, 2016.

#### **BUDGETARY IMPACT**

None

#### **BACKGROUND AND DISCUSSION**

There are currently two (2) vacancies on the Rio Dell Planning Commission as the result of two expired terms which ended December 31, 2013. The Notice of Vacancy was posted on December 3, 2013 with the last day for submittal of applications being December 27, 2013.

The only applicants wishing to be considered for appointment are the two (2) Commissioners whose terms have expired.

Provided there are no objections or questions from the Council, staff is asking that the Council simply forego balloting and approve the re-appointment of Alice Millington and Gary Chapman to fill the vacancies for three (3) year terms ending December 31, 2016.

ATTACHMENT: (2) Applications for Commission Appointment  
Notice of Vacancy



**CITY OF RIO DELL  
APPLICATION FOR  
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

**PERSONAL DATA:**

Name: Alice Millington

Address Where you Reside: 378 Wildwood Ave, Rio Dell

Mailing Address (if different): \_\_\_\_\_

Home Phone: 707 764-4081 Cell Phone: 707 407-9766

Email Address: alisonilla@tidypool.com

**EDUCATIONAL DATA:**

High School: Benedictine, Detroit, Mi

College/University: Humb. State, Arcata CA

**EMPLOYMENT DATA:**

Current Employer/Occupation When Employed: Self- R.E. Becker

**GENERAL INFORMATION:**

Do you currently serve on a City Board or Commission? ☒ Yes ☐ No

If yes, please list: Planning Comm.

Please list any past or present community involvement:

Served on this commission since 12/2004

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community:

As a real estate broker in this area for  
nearly 30 years, I bring a different perspective  
than other commissioners in many  
circumstances.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. ☐ Yes ☒ No

If yes, please explain:

**CERTIFICATE OF APPLICANT:**

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: 12/30/2013 SIGNATURE: 

**RETURN COMPLETED APPLICATION TO:**

Karen Dunham, City Clerk

675 Wildwood Avenue

Rio Dell, CA 95562

Phone: 764-3532

admin1@riodellcity.com





**CITY OF RIO DELL  
APPLICATION FOR  
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

**PERSONAL DATA:**

Name: Gary Lee Chapman

Address Where you Reside: 921 Hilda Court, Rio Dell, CA 95562

Mailing Address (if different): \_\_\_\_\_

Home Phone: (707) 601-7063 Cell Phone: SAME

Email Address: garyLeeChapman@yahoo.com

**EDUCATIONAL DATA:**

High School: Eureka High School

College/University: Humboldt State University

**EMPLOYMENT DATA:**

Current Employer/Occupation When Employed: City of Fortuna



**GENERAL INFORMATION:**

Do you currently serve on a City Board or Commission? ☒ Yes ☐ No

If yes, please list: Planning Commission

Please list any past or present community involvement: \_\_\_\_\_

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Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: \_\_\_\_\_

To help our community grow positively.

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Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. ☐ Yes ☒ No

If yes, please explain:

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**CERTIFICATE OF APPLICANT:**

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: Dec. 12, 2013 SIGNATURE: 

**RETURN COMPLETED APPLICATION TO:**

Karen Dunham, City Clerk  
675 Wildwood Avenue  
Rio Dell, CA 95562  
Phone: 764-3532  
admin1@riodellcity.com



## **PUBLIC NOTICE PLANNING COMMISSION NOTICE OF COMMISSION VACANCY**

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Notice is hereby given that (2) vacancies exist on the Rio Dell Planning Commission. The City of Rio Dell is seeking applications from those who wish to be considered to fill two (2) vacancies for three year terms ending

December 31, 2016.

Applications may be obtained at and returned to:

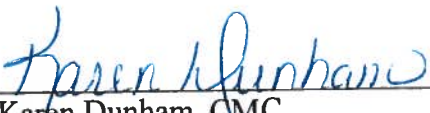
City of Rio Dell  
Karen Dunham, City Clerk  
675 Wildwood Ave.  
Rio Dell, CA 95562

Applications must be received by **5:00 P.M. Friday, December 27, 2013.**

The new Commission appointments will be made at the **January 7, 2014**

Regular City Council meeting. Further information may be obtained by

contacting the City Clerk's office at 764-3532.

  
\_\_\_\_\_  
Karen Dunham, CMC

12-3-13  
\_\_\_\_\_  
Date

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



January 7, 2014

TO: Honorable Mayor and City Council Members  
FROM: Jim Stretch, City Manager  
SUBJECT: Adoption of Guidelines for Wildwood Avenue Sculpture Program

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt the attached guidelines, as amended by the Council, for the Wildwood Avenue Sculpture Program, and
2. Direct that the appointment of members to the Wildwood Avenue Sculpture Committee be placed on the January 21, 2014 for action.

BACKGROUND AND DISCUSSION

As the City Council is aware, (2) concrete art/sculpture pedestals were included in the Wildwood Avenue Enhancement project as the request of the Eagle Prairie Art District and Scotia/Rio Dell Chamber of Commerce. The pedestals were installed in two different Wildwood Avenue median locations and include lighting for front and back surface illumination. Now that the Enhancement Project is complete, the community is anxious to entertain proposals from artists to display their art/ sculptures.

Experience has shown that a cross section of the community should be involved in the selection of art pieces for display and that guidelines and an application process should be developed prior to program implementation. There were very few local guidelines in the County that we could use as a template and a search of other communities on-line was not productive. However, Art District Member and local artist Adam Dias did locate an outline to consider from the Redwood Art Association and City staff fleshed out the attached guidelines for the Council and community to consider.

Over the last 2 months staff has shared the draft guidelines with the Chamber of Commerce and Arts District, with a number of changes being made as the result of that work. The basic elements of the Guidelines recommended at this time are as follows:

1. There is a written application required for each sculpture entered into a selection competition and photographs or a detailed drawing are required to accompany the application.

2. Artist must sign waiver of liability, assumption of risk and indemnity agreement
3. Selected sculptures will be on display for (1) year.
4. Sculptures must be engineered and construction to bolt onto the concrete pedestal and are limited as to size.
5. Lights and sounds are not to be emitted or produced from the art.
6. Sculptures are to be installed, removed, maintained or repaired by the artist. The City may help with lifting a sculpture for installation.
7. The artist is responsible for repairs for the first \$500. The City will reimburse the artist for repairs from \$500 to \$1,000.
8. High value art (value determined by artist) must be insured by artist.
9. City Council appoints (5) member Sculpture Committee; Art District and Chamber nominate (1) member each, City Council Members nominate (1) member of the Council and (1) public member, plus the Community Development Director.
10. Sculpture Committee selects art for display
11. Prize money for selected sculptures may be raised by the community and awarded in a public ceremony.
12. City shall provide identifying plaques for sculptures.
13. City Council retains ultimate authority and responsibility for program.

With regard to the membership of the Sculpture Committee, it is recommended that the membership be appointed by the Rio Dell City Council as follows:

- (1) (1) member of the City Council,
- (2) (1) resident from the community,
- (3) (1) Community Development Director
- (4) (1) Member from the Arts District
- (5) (1) Member of the Scotia/Rio Dell Chamber of Commerce

In the alternate, the membership (of 5 members) could be attained by appointing a member of the Planning Commission or School Board instead of the community member or member of the City Council, appointing (1) member from the Arts District and/or Chamber of Commerce and appointing a second member from the general public or any variation on these themes. The key to the success of the program just may be determined by having a broadly balanced cross section of the community on the Committee.

The Eagle Prairie Arts District and the Scotia/Rio Dell Chamber of Commerce support the program, the guidelines and the process, and appreciate the partnership with the City on this exciting project. If there was one suggestion to be offered from the groups it is that the Council considers appointing a teacher or administrator from the local school district in lieu of appointing a member from the general public.

Cc: Eagle Prairie Arts District  
Scotia/Rio Dell Chamber of Commerce

*675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
(707) 764-5480 (fax)  
E-mail: [cm@riodellcity.com](mailto:cm@riodellcity.com)*



January 3, 2014

## WILDWOOD AVENUE SCULPTURE GUIDELINES

The City of Rio Dell has installed (2) concrete art pedestals in the medians on Wildwood Avenue for the purpose of showing sculptures created by local artists. The medians are landscaped with scrubs, grass and Maple trees. Typically, artists will compete to have their works shown and a local selection committee will choose the sculptures.

### Guidelines for Sculptures

Sculptures to be displayed will be chosen on the basis of artistic excellence, suitability for public art, 3 dimensional presentation and appropriateness for the Rio Dell setting. Consideration will be given to safety in design and construction since the artwork will be located in a public outdoor setting where people may be in contact with them.

The general content of the sculptures could be animal forms, local attractions, natural forms, landscapes and pieces indicative of the history and culture of the area. A sculpture that could be an attractive nuisance is not acceptable.

### Sculpture Limitations and Setting

Sculptures must be engineered and constructed to bolt onto a concrete pedestal, which is 12" above the ground, 24" in diameter with a ¾" bolt pattern placed 14" on center every 90 degrees. Sculptures should be at least 4' tall, and due to base loading and wind pressure, are limited to 9' and 3-1/2' wide. A pattern of the pedestal base is attached to the application

A typical Wildwood Avenue median is 13.5' wide. The 55' (north) sculpture median has a pedestal placed in the middle of the island, surrounded by low vegetation-no trees. The other pedestal island

(south) is 77' long with the sculpture placed at the south end—Big Leaf Maple tree in the middle. The sculptures are lighted from (2) sides. Between the sculpture medians is an island for the Town Clock.

There cannot be any lights or sounds from the art that would be distracting to motorists or a nuisance to neighboring properties. Additionally, reflective devices and/or reflective paint coatings must not be utilized.

#### Responsibility of the Artist

The artist must complete a Wildwood Avenue Sculpture application, mailing it to Rio Dell City Hall, 675 Wildwood Ave, Rio Dell CA 95562, Attn: Sculpture Selection Committee. Photos of the completed sculpture must accompany the application. If not yet completed, detail drawing and the scale of the artwork is to be submitted.

A selected sculpture must be completed at least (3) weeks prior to the installation date and available for review and inspection by the Selection Committee. The cut-off date is firm, not optional. Visits to the sculpture studio may be made by the Committee and finished photos of all detail from all sides must be in the Committee's possession prior to installation.

The artist agrees to install and remove the sculpture with the assistance of the Committee or City. Artist agrees to maintain the sculpture throughout the term of exhibition and agrees to repair, restore or replace any damaged or defective components, or remove the art.

If the sculpture should be damaged or vandalized, the artist is responsible to fund the repairs up to \$500, not including labor. The City will provide additional reimbursement to the artist thereafter, up to \$500. **In no event will the City reimburse the artist any sum(s) in excess of \$500.00 for repairs.**

The artist must place a reasonable value on the sculpture on the application and prior to installation. High value sculptures (over \$5,000 value) may be determined to be ineligible, unless insured for full value by a party other than the City and the insurance policy is procured by the artist (or other third party) prior to installation on public property. The artist shall bear all risk of loss to the sculpture up and to the time it is properly installed on public property.

The artist shall provide the committee with a list of information to be placed on a plaque at the base of the artwork, i.e. artist name, title of the sculpture, year completed, media, dimensions, web site and, approximate weight and selling price if applicable.



### Benefit to the Artist

- The selected artist will enjoy the prestige of exhibiting their sculpture for 1 year in the beautiful natural outdoor setting in Rio Dell.
- A plaque giving credit to the artist and identifying the sculpture will be placed at the base of the artwork.
- You will be honored publically by the Eagle Prairie Art District, the Rio Dell City Council and other selected forms of media
- You have the opportunity to sell you sculpture at the end of the exhibit period.

### Sale of Art

An artist may contingently sell the art while it is on display, but the art will stay on display and will remain the personal property of the artist (not any buyer) until the specified end of the exhibition. Such sale is between the artist and the buyer exclusively and no commission will be retained by the City of Rio Dell. The City will bear no obligation to any sculpture buyer, and any buyer will assume all risks of loss to the sculpture while it remains on public property. The City may, in its discretion, purchase sculptures from an artist, if a mutual agreement is subsequently negotiated for purchase.

### City Responsibility

The City shall provide staff support to assist the artist in installing and removing the sculpture from the City's pedestal. The City will have an identifying plaque placed at the base of the pedestal identifying the artwork, artist, selling price and other pertinent information as to size, media, and weight.

The City will reimburse the artist for repairs up to \$500 above the artist's cost as noted above for damage or vandalism. **In no event will the City reimburse the artist any sum(s) in excess of \$500.00 for repairs.**

The City reserves the right to have a sculpture removed if it poses a public health or safety risk, becomes an attractive nuisance or presents a liability to the City. Furthermore, a sculpture that offends the public decency or is subject to vandalism that offends the public decency shall be removed by the artist. Whether or not a sculpture is offensive to public decency is a determination that shall be made by a majority vote of the Rio Dell City Council, in its complete and absolute discretion, at a regular or special meeting of the Council. A decision by the Council shall be binding and final. If the artist fails to remove a sculpture with 24 hours of notification, the City

shall cause the artwork to be removed and it's cost for said removal shall be billed to and payable by the artist.

The art pedestals and medians are the property of the City of Rio Dell, who retains ultimate authority as to whether to offer them to the public for the display of sculptures and art. The City may purchase sculptures for installation on one or more pedestals if it chooses.

#### Wildwood Avenue Sculpture Committee

The Rio Dell City Council may appoint 5 members to the Committee and may remove or replace members as it sees fit. The committee may meet at the Rio Dell City Hall when required. The charge of the committee is specifically related to the selection and management of sculptures placed on City pedestals in the Wildwood Avenue medians, including when art must be removed or repaired. The committee may also decide not to select any application from artists.

Members of the committee to be nominated and appointed by the City Council are (1) member of the City Council, the Planning/Community Development Director and (1) member of the general public. These appointees may not have membership in the Eagle Prairie Arts District or the Scotia/Rio Dell Chamber of Commerce. The Eagle Prairie Arts District and Scotia/Rio Dell Chamber of Commerce may nominate (1) member each from their membership.

If any of these appointments remain unfilled for 60 days, the Rio Dell City Council may fill the vacancy with a member of the public. If a member of the committee misses two or more consecutive meetings, the City Council may assume that a vacancy has occurred and may move to fill that vacancy. Committee members shall serve without compensation.

#### Application Process

All artists desiring to exhibit their sculptures on Wildwood Avenue median pedestals must complete the Artist Application Form. There shall be no fee for filing the application. Photos showing the detail from all sides of the sculpture must accompany the application. If the sculpture is not yet complete, a detailed drawing and description must be attached to the application. The selection of a sculpture by the committee shall be only tentative-not final until such time as the work is complete. At that time the committee's selection may be finalized or they may move on to another applicant. If the committee is unable to make a selection, the item shall be placed on the agenda of the City Council for a decision.

Deadlines for applications shall be the first work day in April, in anticipation of the installation date to occur on or before July 4 each year. The committee shall make its selection of sculptures by May 15 and shall prioritize their selection(s) in case a primary selection is not completed or acceptable (3) weeks prior to the installation date.

#### Prize Money

Prize money may be raised by the community and awarded to sculptures selected to display their art on Wildwood Avenue pedestals. Prize money amounts must be determined prior to the release of applications and shall be stated in the application materials. The presentation of the prize awards will be made by the Eagle Prairie Arts District in a public ceremony, perhaps during Wildwood Days. Prize money donations made by commercial or civic organization sponsors will be acknowledged on the identifying plaque provided by the City.

**WAIVER OF LIABILITY, ASSUMPTION OF RISK AND  
INDEMNITY AGREEMENT  
(Wildwood Avenue Sculpture Exhibition)**

This Waiver of Liability, Assumption of Risk and Indemnity Agreement is entered into by and between \_\_\_\_\_, ("Artist"), and City of Rio Dell ("City"). In consideration for being permitted to exhibit the original sculpture generally described as: \_\_\_\_\_ (the "Sculpture"), Artist and City agree as follows:

1. Installation, Maintenance, and Repair. Artist agrees to install and remove the Sculpture with the assistance of City staff. Artist agrees to maintain the Sculpture throughout the term of the exhibition and agrees to either: (1) repair, restore or replace any damaged or defective components; or (2) remove any damaged or defective Sculpture.

2. Limitation of Liability and Release. In the event the Sculpture is damaged or vandalized, the Artist is responsible to pay for repairs up to the amount of \$500.00, not including labor. If the cost of repairs exceeds \$500.00, the City shall provide additional reimbursement to Artist, up to a maximum of \$500.00. In no event will the City reimburse the Artist for any sums in excess of \$500.00. Artist hereby releases the City, and its agents, employees and representatives for any and all liability for any loss and/or damage to the Sculpture, above and beyond the \$500.00 payment recited in this Paragraph 2.

3. Insurance. The Artist must place a reasonable value on the Sculpture prior to installation. Any Sculpture that is valued over \$5,000.00 will only be permitted if the Artist procures an insurance policy, at its own cost and expense, insuring against any damage to the Sculpture.

4. Indemnity. Artist agrees to indemnify and hold harmless the City and its agents, officers, and employees from and against any and all claims, actions, suits, procedures, costs, expenses (other than the \$500.00 payment recited in Paragraph 2, above), penalties and liabilities of every type and nature, including, without limitation, attorneys fees, arising out of the exhibition of the Sculpture, and to reimburse City from any such expenses incurred.

5. Severability. Artist expressly agrees that the foregoing waiver and assumption of risks agreement is intended to be as broad and inclusive as is permitted by the laws of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

6. Acknowledgment of Understanding. Artist has read this waiver of liability, assumption of risk, and indemnity agreement, fully understands its terms, and understands that Artist is giving up substantial rights, including Artist's right to sue. Artist acknowledges that Artist is signing this agreement freely and voluntarily, and intends by his or her signature to be a complete and unconditional release of all liability to the greatest extent allowed by law.

**Artist:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**City:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title



January 3, 2014

To: Honorable Mayor Thompson and City Council  
Attn: Mr. Jim Stretch, City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

From: Eagle Prairie Arts District  
406 Wildwood Avenue  
Rio Dell, CA 95562

RE: Wildwood Avenue Sculpture Guidelines

Dear Mayor Thompson and City Council,

The board of the Eagle Prairie Arts District supports the Wildwood Avenue Sculpture Guidelines as drafted, with one minor amendment. We would like to recommend to Council that the composition of the Wildwood Avenue Sculpture Committee be changed to include a member of the school district as opposed to a general member of the public. We think that this minor change will incorporate our local educators and through extension, the youth of our community. Including the school district will round out participation of our community in this process and better define the final committee member.

The Arts District would like to take this opportunity to show our appreciation to City staff, specifically the City Manager, Mr. Jim Stretch, for taking the time and effort to consult with us in the development of these guidelines. These guidelines will act to bring our community together in the common goal of beautifying our City through artistic display.

Sincerely and with Highest Regards,

Nick Angeloff  
Executive Director  
Eagle Prairie Arts District  
707-407-6205  
Nangeloff.ceo@gmail.com



To: Honorable Mayor Thompson and City Council  
Attn: Mr. Jim Stretch, City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

From: Rio Dell/Scotia Chamber of Commerce  
406 Wildwood Avenue  
Rio Dell, CA 95562

RE: Wildwood Avenue Sculpture Guidelines

Dear Mayor Thompson and City Council,

The board of the Rio Dell/Scotia Chamber of Commerce supports the Wildwood Avenue Sculpture Guidelines as drafted, with one minor amendment. We would like to recommend to Council that the composition of the Wildwood Avenue Sculpture Committee be changed to include a member of the school district as opposed to a general member of the public. We think that this minor change will incorporate our local educators and through extension, the youth of our community. Including the school district will round out participation of our community in this process and better define the final committee member.

The Chamber would like to take this opportunity to show our appreciation to City staff, specifically the City Manager, Mr. Jim Stretch, for taking the time and effort to consult with us in the development of these guidelines. These guidelines will act to bring our community together in the common goal of beautifying our City.

Sincerely and with Highest Regards,

A handwritten signature in blue ink, appearing to read 'Nick Angeloff'.


Nick Angeloff  
Board Member  
Rio Dell/Scotia Chamber of Commerce  
707-407-6205  
Nangeloff.ceo@gmail.com



*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



January 7, 2014

TO: Honorable Mayor and City Council Members  
FROM: Jim Stretch,  City Manager  
SUBJECT: Surplus (2) Public Works Trucks and Purchase (1) Used 2002 ¾ Ton Pickup

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Declare a nonoperational 1995 Chevrolet ½ ton pickup truck (Vin# - 1GCEK14KXSZ209150) and a deteriorating 1993 Ford F-350 pickup truck (Vin#- 1FDKF37H7REA00822) surplus to the City, to be offered as trade-in or credit for a replacement vehicle, and
2. Approve the purchase of good condition used 2002 ¾ ton GMC diesel pickup at a cost not to exceed \$12,000, spread 25% to the Streets, 25% each to Water and 50% to the Wastewater Fund, and
3. Defer the purchase of the used \$50,000 Roller approved in the 2013-14 Capital & Programs budget until the 2014-15 fiscal year.

BACKGROUND AND DISCUSSION

The attached interoffice letter dated 12-3-13 from the Streets Superintendent to the City Manager explains the present situation with trucks used on a daily basis by the Streets, Water and Wastewater Funds

The Public Works Department has (1) 20 year old pickup that has not been operational for a couple of years and a 21 year old model that is rarely used due to a multitude of electrical and mechanical problems. The Department has located a local 2002 GMC 4x 4 ¾ ton diesel that is in good mechanical condition with an asking price of \$10,900, plus tax and license. The seller reconditions vehicle and will take the City's old units in trade.

Funding for the purchase is to be provided amongst the Funds at 25% Streets, 25% Water and 50% Wastewater. Since the Water fund does not have the funding to share the cost, it is proposed that the purchase of a used Roller included in the 2013-14 Final Budget be deferred until next fiscal year. The Water Fund's share of that cost was \$7,500 as compared to \$3,000 for the 2002 GMC pickup.

The recommendation is to declare (2) old pickup trucks surplus to be as trade-in value; authorize the purchase of a 2002 reconditioned 6.6 liter diesel GMC pickup not to exceed \$12,000 and defer the purchase of a used Roller (\$50,000) this fiscal year to free up the money to make the purchase.

Cc: Streets Superintendent  
Wastewater Superintendent  
Finance Department

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



To: Jim Stretch, City Manager  
From: Randy Jensen, Water / Roadways Sup.  
Date: January 3, 2014  
Subject: Public Works Vehicle Purchase

Jim,

An opportunity has presented itself recently to purchase a 2002 GMC 2500 4x4 Truck for the Public Works Dept. This vehicle would replace our 1994 Ford 1 ton. With this purchase, the 1994 Ford and the 1993 Chevy (that has been parked for over a year) will be used as a trade in.

Currently the public works department has a 1994 Ford 1 ton truck that has been quickly deteriorating. There has been recent motor and clutch issues, ongoing electrical problems and its general practical usefulness for the department. The department has only used this vehicle lately at a minimum, and the sole purpose for asphalt cold patching due to its reliability and problems. The 1994 Chevy truck was parked and put on the department's surplus list at the time of purchasing the 1996 Ford 4x4 from Del Oro Water Company in Ferndale.

With the purchase of the 2002 GMC, this vehicle will carry the Utility canopy box and slide out bed that was originally installed in the Police truck. The 2002 GMC will be the primary vehicle for towing the sewer machine due to the sewer machines weight factor. Also, by having the Utility Canopy and slide out bed, it can also be used to house the utility line locating equipment and other sensitive electronic equipment while keeping them protected from the weather.

The specification on the 2002 GMC and asking price:

Price –	\$10,900 + tax and licensing
Year –	05/2002
Make –	GMC
Drive train –	4x4 - 3 / 4 Ton
Engine –	Diesel 6.6 liter
Miles –	113474
Transmission –	Allison Tranny









## 2002 GMC Sierra 2500 HD Regular Cab

2001 2002 2003 New 2014 Style Long Bed

Mileage: 113,474 Change Like this car

Edit options Change style

pricing photos specs kbb expert review consumer reviews ratings compare

### Used Car Prices

See Trade-In/Sell Values

#### Suggested Retail

Excellent  
\$11,162  
Verify Condition

Very Good  
\$10,862

Good  
\$10,737

Fair  
\$10,237

#### Private Party

Find Deals Near You

See local deals

Free VIN Check



Enter VIN (optional) Go  
No VIN? No Problem!

Know Your Credit Score?

FreeCreditScore.com

Get yours now

STATE FARM \$332  
PROGRESSIVE \$358  
AM FAMILY \$453  
NATIONWIDE \$460

Find the lowest rate,  
EVEN IF IT'S NOT  
WITH US.

ZIP CODE QUOTE

PROGRESSIVE

Did not respond

Why ads?

Experian

Get your credit  
report & score  
from America's #1  
online provider.

Start for only \$1

Get a credit report & score from Experian

Did not respond

Why ads?

### Search Cars for Sale near Rio Dell

View actual photos, compare prices, and buy your next car.



## 2002 GMC Sierra 2500 HD Regular Cab

2001 2002 2003 New 2014 Style Long Bed

Mileage: 113,474 Change Like this car

Edit options Change style

pricing photos specs kbb expert review consumer reviews ratings compare

### Used Car Prices

See Trade-In/Sell Values

#### Suggested Retail

Excellent  
\$12,237

#### Private Party

Find Deals Near You

See local deals

Free VIN Check



Enter VIN (optional) Go  
No VIN? No Problem!

Know Your Credit Score?

FreeCreditScore.com

Get yours now

With savings  
over \$500, I'd  
switch to me.

ZIP CODE

Get a quote

PROGRESSIVE

Did not respond

Why ads?

Experian

Take the wheel with  
America's #1 provider  
of online Credit  
Reports & Scores.

Start Now For \$1

With enrollment in Experian Credit Tracker

Did not respond

Why ads?

### Search Cars for Sale near Rio Dell

View actual photos, compare prices, and buy your next car.

GMC Sierra C/Q2500


**WENDT CONSTRUCTION CO., INC.**

1660 NEWBURG ROAD  
FORTUNA, CA 95540  
(707) 725-5641 LIC. #622738

**PROPOSAL**

DATE	PROPOSAL #
1/3/2014	1709

NAME / ADDRESS
City of Rio Dell 675 Wildwood Ave Rio Dell CA 95562

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
2002 GMC 2500 4X4 3/4 TON LONG BED PICKUP; 6.6 ENGINE; DIESEL; AUTOMATIC; 113,392 MILES, P/S; A/C; AM/FM RADIO; VIN 1GDHK24162E296011		10,500.00	10,500.00
DMV FEES		420.00	420.00
SALES TAX		788.00	788.00
		<b>TOTAL</b>	<b>\$11,708.00</b>

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

\_\_\_\_\_  
Signature



You have 0 items in your shopping cart

## Vehicle Registration Fee Calculator

Transaction Date: January 03, 2014  
Type of Calculation: Used Vehicle Purchase  
Vehicle License Number: 1139153  
Vehicle Identification Number: 1GDHK24162E296011  
Type of Vehicle: Commercial  
Model Year: 2002  
Make of Vehicle: GMC  
Motive Power: Diesel  
Number of Axles: 2  
Unladen Weight: 7,080 lbs  
Acquired From: Purchase  
Acquired/Purchase Date: January 03, 2014  
Purchase Price: \$10,500.00  
County: Humboldt  
Zip Code: 95562  
Registration Period: Jan 03, 2014 - Jan 31, 2015

Current Registration:	43.00
Current California Highway Patrol:	24.00
Current Weight Fee:	257.00
Current Vehicle License Fee:	68.00
Current County Service Authority for Freeway Emergencies Fee:	1.00
Current Fingerprint ID Fee:	1.00
Current Auto Theft and/or DUI Crime Deterrence Program:	1.00
Current Abandoned Vehicle Fee:	1.00
Current Air Quality Management District:	6.00
Alt Fuel/Tech Reg Fee:	3.00
Transfer:	15.00
Use/Sales Tax:	788.00
Total Registration Fees:	\$420.00
Total Use/Sales Tax:	\$788.00
Grand Total Registration Fees:	\$1,208.00

[Print Result](#)

See [Registration Fees](#), [Special Interest License Plate Fees](#), and [Smog Abatement/High Polluter Fees](#) for additional information.

This is an estimate based on the information provided. Fees may vary depending on the actual vehicle registration. All fees are subject to statutory change.

[Calculator Home Page](#)[Calculate Another Vehicle](#)

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**675 Wildwood Avenue  
Rio Dell, CA 95562**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Karen Dunham, City Clerk

DATE: January 7, 2014

SUBJECT: Ordinance No. 314-2014 Establishing Purchasing Procedures Section 3.10.110 and amending Section 3.30.100 of the Municipal code

#### **RECOMMENDATIONS**

Conduct the second reading (by title only) and adopt Ordinance No. 314-2014 Establishing Purchasing Procedures Section 3.10.110 and amending Section 3.30.100 of the Municipal Code.

#### **BUDGETARY IMPACT**

None

#### **BACKGROUND AND DISCUSSION**

The draft ordinance was presented to the Council at the December 17, 2013 meeting and is being presented at this time for a second reading and adoption.

As reported at the last meeting, EPA has completed a desk review audit of the City's EPA Brownfield Grant. The EPA has made two recommendations; to adopt a lease vs. purchase policy and to include disciplinary procedures for any willful violator of these policies.

Staff have drafted a policy to meet EPA's requirement, and the main principles are:

1. In most situations, outright purchase will prove to be most economical. However, there may be certain circumstances that warrant a lease/rental.
  - a. The short-term or seasonal need for equipment may warrant lease/rental vs. purchase.
  - b. Highly technical equipment with a very short useful life may warrant lease/rental vs. purchase.

- c. When ancillary benefits are offered with the lease such as maintenance, upgrades, or other marketing incentives that are valued above the cost of financing lease/rental may be the preferred alternative.
  - d. In circumstances where the City does not have sufficient capital to make a purchase.
- 2. A provision has also been added which specifies that any willful violator will be disciplined subject to the policies set forth in the City of Rio Dell Employee Handbook.

Adoption of this ordinance will bring the City into compliance with the EPA.

**ORDIANCE No 314-2014**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL**  
**AMMENDING ORDINANCE NO. 298-2012**  
**PURCHASING PROCEDURES**

The City Council of the City of Rio dell does ordain as follows:

**Section 10: Lease vs. Purchase Analysis.** Normally the City encourages the outright purchase of equipment as opposed to lease, lease-purchase, rental, or rental-purchase agreements. In most situations, the outright purchase will prove to be the most economical if calculated over the useful life of the product. However there may be certain situations that warrant further investigation of lease or rental options. These situations are summarized as follows:

- a. Short-term or seasonal needs for equipment may dictate that purchase is unreasonable. If the period of need for the equipment is substantially less than its anticipated useful life expectancy, then rental or lease options should be investigated and compared to the purchase cost less the anticipated resale value.
- b. In case of highly technical equipment whose useful life cannot be accurately projected, lease or rental options offered through the manufacturer, the distributor or third parties may be investigated, as a viable alternative to purchase. In such situations analytical comparisons of purchase, lease or rental options should be made to determine which represents the best interest of the City.
- c. Ancillary benefits of the lease or rental (maintenance costs, upgrades, vendor promotions, special marketing incentives) and situations where the net additional cost of lease or rental is less than the cost of money make that type of arrangement the more prudent investment.
- d. When initiating a requisition for the lease, lease-purchase or long-term rental of equipment, the originating department should clearly explain the necessity or desirability of that type of arrangement.
- e. If these alternate arrangements have been identified for major equipment purchases only because of the lack of current funding, other options such as those described below need to be explored.
- f. Departments should first attempt to find the necessary funds from internal resources. If no such internal options exist, evaluate existing payment options to determine the most effective course of action for the City. If it is determined that a loan option is cost effective, the department head should request approval through the City Manager.

**Section 11: Unlawful Purchases.** No purchases or contracts shall be made contrary to the provision of his ordinance. No contract shall be purposely split or subdivided to avoid the

provisions of this ordinance. Any employee who willfully violates this policy will be subject to discipline up to and including termination pursuant to the disciplinary policies set forth in the City of Rio Dell Employee handbkk.

**Section 12: Effective Date.** This ordinance shall take effect and be in full force thirty days following the date of its passage. It shall be posted in three public places in the City of Rio Dell, State of California, pursuant to Government Code Section 36933.

**Section 13. Conflicts.** All ordinances and parts of ordinances or resolutions, in conflict herewith, are hereby repealed to the extent of such conflicts and no further.

INTRODUCED AND FIRST READING (by title only) held on December 17, 2013 by the following vote:

AYES: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall  
NOES: None  
ABSENT: None  
ABSTAIN: None

\_\_\_\_\_  
Jack Thompson, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

SECOND READING (by title only) and adoption occurred on January 7, 2014 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jack Thompson, Mayor

Attest:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, do hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 314-2014 adopted by the City Council of the City of Rio Dell on January 7, 2014.

\_\_\_\_\_  
Karen Dunham, City Clerk

**675 Wildwood Avenue  
Rio Dell, CA 95562**



**TO:** Rio Dell City Council  
**THROUGH:** James Stretch, City Manager  
**FROM:** Karen Dunham, City Clerk  
**DATE:** January 7, 2014  
**SUBJECT:** Adoption of 2013 California Building Codes and Appendices

### **RECOMMENDATION**

Receive Staff Report; open Public Hearing and receive public input; close Public Hearing; make a motion for the second reading (by title only) and adopt Ordinance No. 315-2014 amending Building Codes and Appendices, Section 15.05.020 of the Rio Dell Municipal Code.

### **BACKGROUND AND DISCUSSION**

The draft ordinance was presented to the Council at the December 17, 2013 regular meeting and is being presented at this time for a second reading and adoption.

As reported at the last meeting, the State of California Building Standards Commission updates Building Codes every three (3) years based on the model uniform codes published by the International Code Council. The new California Code of regulations, title 24, was published in July, 2013. The 2013 California Building Standards Codes (Codes) adopted by the Building Standards Commission went into effect 180 days after the July publication by the State. The Codes must be enforced by each City and County as of January 1, 2014.

Each jurisdiction in California may either adopt these codes as written or may establish more restrictive building standards deemed necessary to address local climatic, geological, or topographical conditions. Staff's recommendation is to adopt the Codes as adopted by the State Building Standards Commission based on model uniform codes published by the International Code Council.

All of the California Building Codes required to be adopted by the City of Rio Dell are listed in Exhibit B.

**ORDINANCE NO. 315-2014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING BUILDING CODES AND APPENDICES,  
SECTION 15.05.020 OF THE RIO DELL MUNICIPAL CODE**

**WHEREAS**, the California Building Standards Commission is responsible for administering California's building codes, including adopting, approving, publishing, and implementing codes and standards; and

**WHEREAS**, the California Building Standards Code is published every three years and amends the California Code of Regulations, Title 24; and

**WHEREAS**, these codes, based substantially on the model codes published by the International Code Council, are commonly referred to as the California Building Code ("Code"), and include, but are not limited to, building, plumbing, mechanical, electrical, fire and energy codes; and

**WHEREAS**, in January 2013, the State of California Building Standards Commission adopted many of these codes with amendments and published them as California codes; and

**WHEREAS**, the new California Code of regulations, Title 24, was published in July 2013. The State also adopted in January 2013 the following California codes specific to California: California Energy Code, California Administrative Code, California Existing Building Code, California Historical Code, and the California Green Building Standards Code; and

**WHEREAS**, the codes adopted by the Building Standards Commission go into effect 180 days after publication by the State and must be enforced by each City and County as of January 1, 2014.

**NOW, THEREFORE**, the City Council of the City of Rio Dell does hereby ordain as follows:

**SECTION 1. DECLARATION OF INTENT**

The purpose of this ordinance is to repeal, in its entirety, Chapter 15.05.020 Building Codes of Title 15 – Construction Codes of the Rio Dell Municipal Code and replace in its entirety with Ordinance No. 315-2014 including Exhibit B attached hereto and codified in this title, division and chapter and on file in the City Clerk's office.

**SECTION 2. CONFLICTS**

All ordinances and parts of ordinances or resolutions, in conflict herewith, are hereby repealed to the extent of such conflicts and no further.

### **SECTION 3. EFFECTIVE DATE**

The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

INTRODUCED AND FIRST READING (by title only) held on the 17th day of December, 2013 by the following vote:

AYES: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall  
NOES: None  
ABSENT: None  
ABSTAIN: None

\_\_\_\_\_  
Jack Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

SECOND READING (by title only) held on the 7th day of January, 2014 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, do hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 315-2014 adopted by the City Council of the City of Rio Dell on January 7, 2014.

\_\_\_\_\_  
Karen Dunham, City Clerk

## **EXHIBIT B**

The following California Building Codes are required to be adopted by the City of Rio Dell:

### **CALIFORNIA ADMINISTRATIVE CODE**

**2013 California Administrative Code (Part 1 of Title 24)**

*Based on the 2012 International Building Code (IBC).*

### **CALIFORNIA BUILDING CODE**

**2013 California Building Code (Part 2 of Title 24), including Chapter 1 Division II (administration), and Appendices A (qualifications), C (agriculture), F. (rodent proofing), G (flood resistant), H (signs), I (patio covers), and J (grading)**

*Based on the 2012 International Building Code (IBC).*

### **CALIFORNIA RESIDENTIAL CODE**

**2013 California Residential Code (Part 2.5 of Title 24) including Chapter 1 Division II (administration), and Appendices E (Manufactured Housing used as dwellings), G (swimming pools, spas, and hot tubs), J (existing building and structures), K, (sound transmission), N (venting methods), O (gray water recycling systems), P (sizing of water piping systems).**

*Based on the 2012 International Residential Code (IRC).*

### **CALIFORNIA ELECTRICAL CODE**

**2013 California Electrical Code (Part 3 of Title 24)**

*Based on the 2012 National Electrical Code (NEC)*

### **CALIFORNIA MECHANICAL CODE**

**2013 California Mechanical Code (Part 4 of Title 24), including Chapter 1 Division II (administration)**

*Based on the 2012 Uniform Mechanical Code ((UMC)*

### **CALIFORNIA PLUMBING CODE**

**2013 California Plumbing Code (Part 5 of title 24), including chapter 1 Division II (administration)**

*Based on the 2012 Uniform Plumbing Code (UPC)*

### **CALIFORNIA ENERGY CODE**

**2013 California Energy Code (Part 6 of Title 24), including Chapter I Division II (administration)**

### **CALIFORNIA HISTORICAL BUILDING CODE**

**2013 California Historical Building Code (Part 8 of Title 24) including Chapter I Division II (administration)**

### **CALIFORNIA FIRE CODE**



**2013 California Fire Code** (Part 9 of Title 24), including Chapter I Division II (administration)

*Based on the 2012 International Fire Code (IFC)*

**CALIFORNIA EXISTING BUILDING CODE**

**2013 California Existing Building code** (Part 10 of Title 24)

*Based on the 2012 International Existing Building Code (IEBC)*

**CALIFORNIA GREEN BUILDING STANDARDS CODE – “CAL Green”**

**2013 California Green Building Standards Code** (Part I of Title 24) (Tier 1) including Chapter 1 Division II (administration)

**CALIFORNIA REFERENCED STANDARDS CODE**

**2013 California Referenced Standards Code** (Part 12 of Title 24)

**1997 UNIFORM BUILDING CODE**

**1997 Uniform Housing Code**

Published by the International Conference of Building Officials as referenced by the California Department of Housing and Community Development and pursuant to the provisions of Section 17958, 17958.5, 17958.9, and 17959 of the California Health and Safety Code


---


675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: January 21, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: January 2, 2014

Subject: Establishment of Environmentally Sensitive Habitat Area Regulations  
Section 17.30.080 of the Rio Dell Municipal Code

---

**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 308-2014 establishing Environmentally Sensitive Habitat Area (ESHA) Regulations, Section 17.30.080 of the Rio Dell Municipal Code (RDMC) and continue consideration, approval and adoption of the proposed Ordinance to your meeting of January 21, 2014 for the second reading and adoption

**Background/Summary**

Staff originally presented the Draft Environmentally Sensitive Habitat Area (ESHA) regulations to the Planning Commission at their meeting of October 23<sup>rd</sup>. Staff recommended setbacks for both perennial and intermittent streams and other wet or sensitive areas.

The Planning Commission recommended some fairly substantial changes, including reduced setbacks and some additional changes to the proposed Ordinance. Below is a copy of the Commission's recommended changes:

*17.30.080(c) Streamside Management Areas are identified and modified as follows:*

- (1) Fifty (50) feet, measured as the ~~horizontal~~ on the ground distance from the stream ~~transition~~ center line on either side of perennial streams.*
- (2) Twenty-Five (25) feet, measured as the ~~horizontal~~ on the ground distance from the stream ~~transition~~ center line on either side of intermittent streams.*
- (d) Where necessary, the width of Streamside Management Areas may be expanded to include significant ~~areas of riparian vegetation adjacent to the buffer area~~, slides and areas with visible evidence of slope instability, not to exceed 100 feet measured as a ~~horizontal~~ on the ground distance.*
- (e) The Streamside Management Area ~~may~~ shall be reduced or eliminated where the City determines, based on specific factual findings, that it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.*

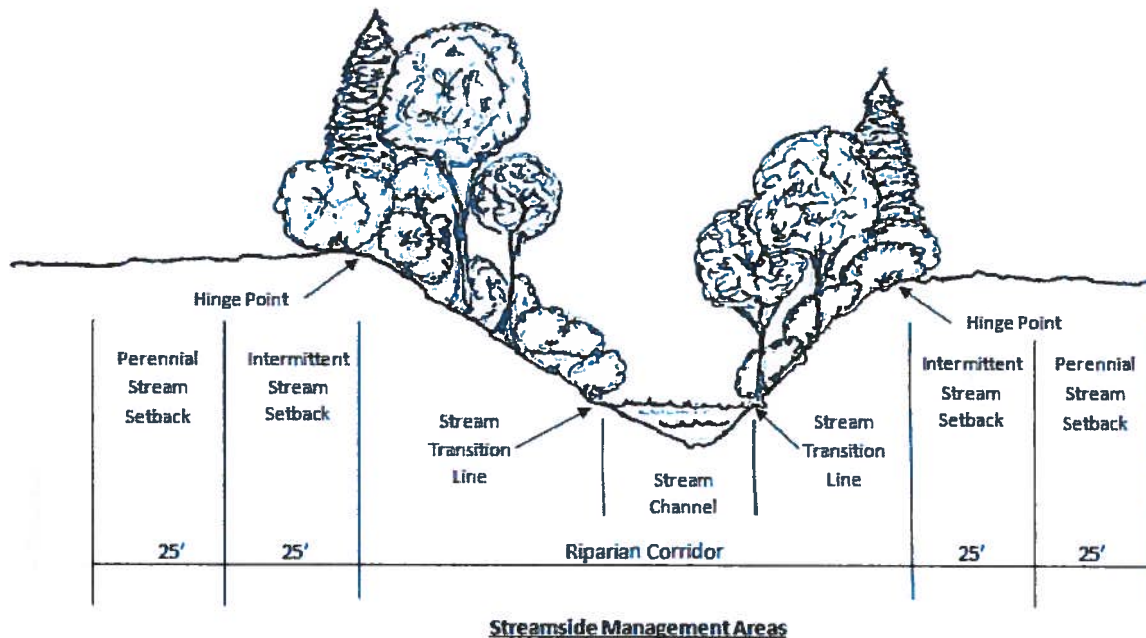
*17.30.080(d) Erosion control measures for development within Streamside Management Areas shall include the following:*

- (1) During construction, land clearing and vegetation removal shall be minimized.*
- (2) Construction sites shall be ~~planted with native or naturalized vegetation and~~ mulched with natural or chemical stabilizers to aid in erosion control and insure re-vegetation.*

The first change the Commission recommended was that the setbacks be from the centerline of the streams rather than the stream transition line. The Commission recommended setback of fifty (50) feet from the centerline of perennial streams would provide no protection at all in the case of the Eel River. As the Council is aware the Eel River streambed in the area is at least a couple hundred feet wide. A fifty (50) foot setback from the centerline of the Eel River will still be within the river channel itself and will not include the riparian areas on the banks of the river.

The policy as originally recommended by the Commission would not provide any protection at all for the riparian habitat that is intended to be protected under the proposed regulations. In addition, utilizing the centerline of a meandering river is also problematic. The intent of the proposed regulations is to protect the riparian vegetation within the river channel and on the adjacent streambanks. It should be noted that even using the stream transition line as defined as originally recommended by staff may not include riparian habitat along the bank, depending

upon the slope of the bank. As such, staff is recommended that the Streamside Management Area or buffer be established from the top of the streambank or hinge point and that the distance be measured horizontally as originally recommended. Below is a diagram illustrating staff's recommended setbacks for both perennial and intermittent streams:



The second revision the Commission recommended was to eliminate the language to expand the width of Streamside Management Areas to include significant areas of riparian vegetation adjacent to the buffer area. Although staff is not aware of any areas containing significant riparian vegetation adjacent to recommended Streamside Management Areas within the City, the inability to expand the Streamside Management Area where appropriate may result in an adverse impact to the resources. This would be contrary to the purpose of the regulations and existing General Plan policies. As such, staff is recommending that the original language be retained and slightly modified. Staff recommended that the expanded Streamside Management Area not exceed 100 feet measured as a horizontal distance from the top of the streambank or hinge point for perennial streams and 50 feet for intermittent streams.

The third revision the Commission recommended was to substitute the term "shall" for the recommended term "may" in regards to reducing or eliminating the Streamside management Area where the City determines, based on specific factual findings, that it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability. Staff is supportive of this recommendation.

The final revision to staff's original recommendation was to eliminate the requirement for planting "...native or naturalized vegetation..." as an erosion control measure for development within Streamside Management Areas. The Commission felt the provision was redundant

because Section 17.30.080(4)(c) requires the planting of disturbed areas with riparian vegetation if natural regeneration does not occur within two years of the completion of the project. Staff concurs and supports the recommendation.

Below is a copy of staff's recommended changes to the Planning Commission's originally adopted recommendation:

*Section 17.30.080*

*(c) Streamside Management Areas are identified and modified as follows:*

*(1) Fifty (50) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams.*

*(2) Twenty-Five (25) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.*

*(d) Where necessary, the width of Streamside Management Areas may be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 100 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams and 50 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.*

Staff presented our concerns to the Planning Commission at their meeting of December 11, 2013. After explaining and discussing the shortcomings of the Commission's original recommendation, the Commission agreed with staff's recommendations and recommends that the Council and adopt Ordinance No. 308-2014.

### **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Zone Reclassification Required Finding:**

#### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The Zoning Regulations do not currently contain provisions regarding environmentally sensitive habitat areas. Chapter 2, *Natural Environment*, of the General Plan contains goals to preserve and protect river, streams, drainage channels and natural habitats. Policy P2.1.7-2 of the General Plan contains the following language:

***P2.1.7-2 Ensure that environmentally sensitive habitat areas (ESHA's) such as the Eel River corridor, streams and drainage channels with riparian habitat, and forested areas that could potentially support sensitive species are buffered to protect against any significant disruption of their habitat values.***

Accordingly, the corresponding implementation measure requires the City to: "...prepare Development Regulations that require identification of open space and sensitive habitat areas in proposed developments."

In addition, the recently adopted Conservation and Open Space Element also contains a number of goals, policies and implementation measures calling for the protection of environmentally sensitive habitats, including the establishment of development regulations.

The proposed establishment of Environmentally Sensitive Habitat Area (ESHA) regulations is consistent with the General Plan.

## **2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. The City currently has no environmentally sensitive habitat regulations requiring the protection of natural resources. The proposed Environmentally Sensitive Habitat Area (ESHA) regulations will provide for the protection of environmentally sensitive resources. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

### **Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

### **Attachments:**

1. Proposed Environmentally Sensitive Habitat Area (ESHA) regulations, Section 17.30.080 of the Rio Dell Municipal Code (RDMC).
2. Draft Ordinance No. 308-2014 establishing Environmentally Sensitive Habitat Area regulations, Section 17.30.080 of the Rio Dell Municipal Code.





## **17.30.080 Environmentally Sensitive Habitat Areas (ESHA's)**

### **(1) Purpose**

The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

The presence of environmentally sensitive habitat in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily identified by a site inspection.

### **(2) Definitions**

(a) "Environmentally Sensitive Habitat Areas" (ESHA's) means anadromous fish streams, perennial and intermittent streams, sensitive species rookeries and nest sites, wetlands, riparian areas and habitats of rare and endangered plants and animals.

(b) "Riparian Corridor" means the area between the top of streambanks or hinge-points of the streambanks containing riparian vegetation and the adjacent upland area.

(c) "Riparian Vegetation" means pertaining to, or situated on the banks of a stream, river, lake or pond such as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

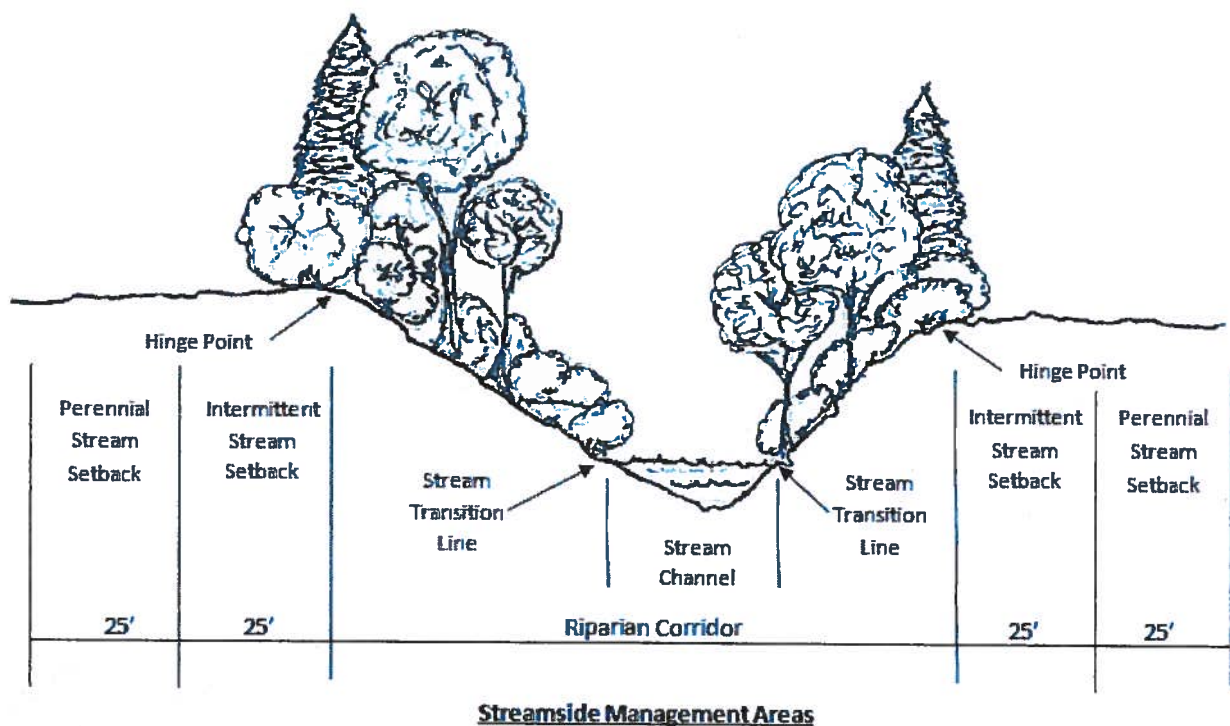
(d) "Stream Channel" means the area of a stream between its stream transition lines.

(e) "Streamside Management Areas (SMA's)" means riparian buffer areas for protecting sensitive fish and wildlife habitats and minimizing erosion, runoff and interference with surface water flows.

(f) "Stream Transition Line" means the line closest to a stream where riparian vegetation is permanently established.

(g) "Wetlands" means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools. (Fish and Game Code, Section 2785(g)).

(h) Definitions Diagram



### (3) Development Standards

(a) Stream Channels. Development within stream channels is limited to the following projects.

- (1) Fishery, wildlife, and aquaculture enhancement and restoration projects.
- (2) Road crossings subject to Section 1600 *et seq* of the Fish and Game Code.
- (3) Flood control and drainage channels, levees, dikes, and floodgates.
- (4) Mineral extraction consistent with other State regulations.
- (5) Small-scale hydroelectric power plants in compliance with applicable State regulations.
- (6) Wells and spring-boxes, and agricultural diversions.
- (7) New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.
- (8) Bank protection, provided it is the least environmentally damaging alternative.

(9) Other essential projects, including municipal groundwater pumping stations and infiltration galleries provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

(b) Streamside Management Areas. Development within Streamside Management Areas shall be limited to the following uses:

(1) Development permitted within stream channels.

(2) Public access parking areas and trails when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(3) Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(e)

(4) Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(5) Removal of vegetation for disease control or public safety purposes.

(6) Bank stabilization projects when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(c) Streamside Management Areas are identified and modified as follows:

(1) Fifty (50) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams.

(2) Twenty-Five (25) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(d) Where necessary, the width of Streamside Management Areas may be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 100 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams and 50 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(e) The Streamside Management Area shall be reduced or eliminated where the City determines, based on specific factual findings, that it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

**(4) Mitigation Measures.**

Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

(a) Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry (CALFIRE) forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate agency. Felled snags shall be left on the ground if consistent with fire protection regulations as long as they have no economic value.

(b) Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.

(c) Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of the completion of the development project.

(d) Erosion control measures for development within Streamside Management Areas shall include the following:

(1) During construction, land clearing and vegetation removal shall be minimized.

(2) Construction sites shall be mulched with natural or chemical stabilizers to aid in erosion control and insure re-vegetation.

(3) Long slopes shall be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.

(4) Concentrated runoff shall be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge where discharge is to natural ground or channels.

(5) Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods

include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.

(6) Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Fish and Game and Regional Water Quality Control Board.

(e) Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes shall be temporarily stabilized by stage seeding and/or planting of fast germinating seeds such as barley or rye grass; and mulched with protective coverings such as natural or chemical stabilizations.

(2) Runoff from the site shall be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

**(5) Other Wet Areas.**

Development, except for wells and spring-boxes, in or adjacent to other wet areas, including natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water yearlong or riparian vegetation) shall be consistent with the standards for streamside management areas, where appropriate.

**ORDINANCE NO. 308 – 2014**



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REGARDING  
THE ESTABLISHMENT OF ENVIRONMENTALLY SENSITIVE HABITAT AREA  
REGULATIONS, SECTION 17.30.080 OF THE RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

**WHEREAS** the Zoning Regulations do not contain provisions regarding environmentally sensitive habitat areas; and

**WHEREAS** Chapter 2, *Natural Environment*, of the General Plan contains goals to preserve and protect river, streams, drainage channels and natural habitats; and

**WHEREAS** the corresponding implementation measure requires the City to: "...prepare Development Regulations that require identification of open space and sensitive habitat areas in proposed developments." and

**WHEREAS** the recently adopted Conservation and Open Space Element also contains a number of goals, policies and implementation measures calling for the protection of environmentally sensitive habitats, including the establishment of development regulations; and

**WHEREAS** the purpose of the proposed regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** Section 17.30.080 of the Rio Dell Municipal Code is hereby established as follows:

**17.30.080 Environmentally Sensitive Habitat Areas (ESHA's)**

**(1) Purpose**

The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

The presence of environmentally sensitive habitat in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily identified by a site inspection.

**(2) Definitions**

(a) "Environmentally Sensitive Habitat Areas" (ESHA's) means anadromous fish streams, perennial and intermittent streams, sensitive species rookeries and nest sites, wetlands, riparian areas and habitats of rare and endangered plants and animals.

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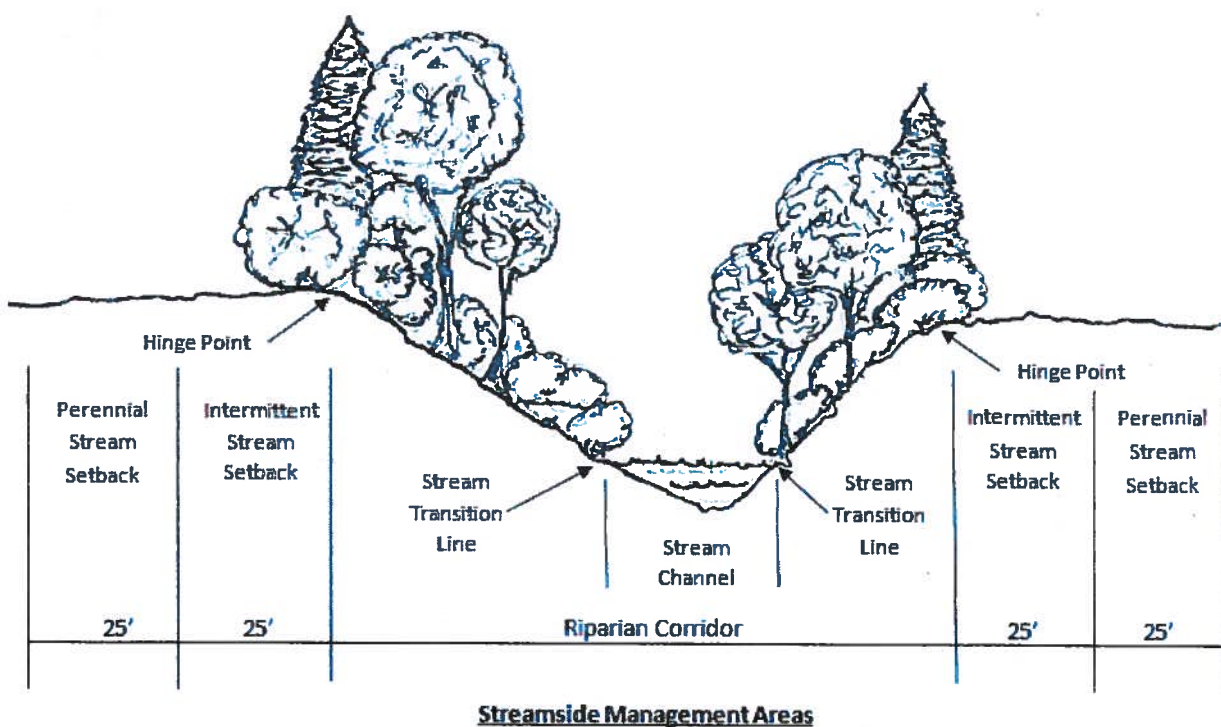
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#### **(5) Other Wet Areas.**

Development, except for wells and spring-boxes, in or adjacent to other wet areas, including natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water yearlong or riparian vegetation) shall be consistent with the standards for streamside management areas, where appropriate.

#### **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

### Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City currently has no environmentally sensitive habitat regulations requiring the protection of environmentally sensitive habitat. The proposed Environmentally Sensitive Habitat Area (ESHA) regulations will provide for the protection of environmentally sensitive resources. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

### Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 7, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 21<sup>st</sup> of January 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 308-2017 adopted by the City Council of the City of Rio Dell on January 21, 2014.

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Karen Dunham, City Clerk, City of Rio Dell